

**EXHIBIT 1 TO
JOINT RULE 26(f) CONFERENCE REPORT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

WAPP TECH LIMITED PARTNERSHIP and
WAPP TECH CORP.,

Plaintiffs,

v.

BANK OF AMERICA, N.A.,

Defendant.

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Case No. 4:21-cv-00670-ALM

JURY TRIAL DEMANDED

PROPOSED SCHEDULING ORDER

Proposed Deadline	Deadline
Jan 18, 2022	P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.
Feb 10, 2022	Join Additional Parties
Feb 10, 2022	P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served.
Feb 17, 2022	Parties to let each other know if they believe claim construction experts are needed
Feb 17, 2022	Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).
Feb 24, 2022	To extent not already required to be disclosed, exchange Mandatory Disclosures on all issues, including damages
TBD	Mediation. The Court will discuss appointing a mediator at the Scheduling Conference.
Mar 10, 2022	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same (P.R. 4-2).
April 7, 2022	Parties' Final Amended Pleadings (A motion for leave is required.)
April 7, 2022	Joint Claim Construction and Prehearing Statement to be filed (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
April 28, 2022	Respond to Amended Pleadings
May 11, 2022	Completion date for discovery on claim construction (P.R. 4-4).
May 26, 2022	Opening claim construction brief (P.R. 4-5(a)).
June 15, 2022	Submit technology synopsis/tutorial (both hard copy and disk).

Proposed Deadline	Deadline
June 9, 2022	Responsive claim construction brief (P.R. 4-5(b)). Defendants shall file a single consolidated response brief
June 16, 2022	Reply claim construction brief (P.R. 4-5(c)).
June 20, 2022	Parties to file joint claim construction and chart (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
June 23, 2022 [Disputed]	Sur Reply claim construction brief. Defendants shall file a single consolidated sur reply brief that is no more than 15 pages. [DEADLINE DISPUTED BY THE PARTIES. PLEASE SEE JOINT 26(F) REPORT]
June 30, 2022	Proposed Claim Construction hearing Friday, July 1, 2022, at 9:00 a.m. at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090.
July 18, 2022	Comply with P.R. 3-7. (Designation of Willfulness Opinions).
Aug 18, 2022	Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this court's order or the Patent Rules, nor an excuse to delay disclosure of information. It is a "catchall" deadline for provision of all remaining information which may be relevant to a claim or defense of any party at trial.
August 18, 2022	Fact Discovery Deadline. All discovery must be served in time to be completed by this date
August 25, 2022	Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(a)(2)(B).
Sept 20, 2022	Parties to Designate Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B). Note: Objections to any expert, including Daubert motions, shall be filed within 3 weeks after the expert's Report has been disclosed. Such objections and motions are limited to ten pages each.
Sept 29, 2022	File Dispositive Motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files,

Proposed Deadline	Deadline
	each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rule CV-7. Responses to motions shall be due in accordance with Local Rule CV-7(e).
Sept 29, 2022	Expert discovery deadline.
Jan 13, 2023	Notice of intent to offer certified records
Jan 13, 2023	Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (See www.txed.uscourts.gov) and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases).
Jan 19, 2023	Video Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which can not be resolved shall be presented to the court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties designations and the court's rulings on objections
Jan 18, 2023	Motions in limine due File Joint Final Pretrial Order. Exchange Exhibits and deliver copies to the court. At this date, all that is required to be submitted to the court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.
Feb 3, 2023	Response to motions in limine due File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend the deadline to object to expert witnesses). If numerous objections are filed the court may set a hearing prior to the final pretrial conference. File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).
February 17, 2023	Final Pretrial Conference at 9:00 a.m. at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090.
TBD	10:00 a.m. Jury Selection and Trial at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.